

### APPENDIX 3A

#### Bardstown Road/Baxter Avenue Corridor Review Overlay District

##### A. General Regulations

1. Upon the effective date of this Ordinance, within the District, no person shall commence any development activity as defined in § 158.26 of this Ordinance without obtaining a Permit issued, without cost, pursuant to the procedures set forth in § 158.27 of this Ordinance certifying compliance with the design guidelines established by § 158.29 of this Ordinance.
2. The Guidelines are intended to promote compatibility of new development with existing land use and design features, to enhance the District's visual quality, to preserve the District's commercial character with a pedestrian friendly environment and to strengthen the economic vitality of the District by encouraging new investment and further business and commercial development, in appropriate locations within the District.
3. The application of Guidelines is intended to provide public review in the public interest of the design elements of a proposed development within the District and of the community impact of a proposed demolition of a Contributing Historical Structure within the District. Accordingly, public participation shall be encouraged in the review process.
4. The Guidelines are not intended to discourage commercial development but to encourage such development which is innovative and aesthetically pleasing in design. A development proposal that does not conform to one or more specific guidelines may be approved if it is determined that the proposal is in conformance with the intent of the guidelines considered as a whole.
5. It shall be a condition precedent to obtaining any permit for any development activity within the District that the person has obtained a Permit pursuant to this Ordinance. Permits shall be issued only where it is determined, pursuant to the procedures established by this Ordinance, that the proposed development activity is in compliance with the Guidelines.

##### B. Design Review Guidelines

1. Location, Height and Orientation
  - a. i. Structures should be designed to reinforce the existing pattern of small storefronts facing the Corridor.
  - ii. Facade design, where appropriate, shall be cognizant of pedestrian activity.

- iii. Display windows shall be encouraged.
  - iv. A Structure's main entrance generally should face the Corridor.
- b. Structures should be located at or near the front property line with the amount of setback designed to be compatible with adjacent properties and traditional neighborhood patterns.
- c. Development plans should provide side yards wide enough to allow for maintenance of building side walls if common party walls on the lot line are not provided.
- d.
  - i. The design of new or substantially remodeled Structures should be generally compatible with the height of existing buildings in a given block and with adjacent residential areas.
  - ii. Sight lines of facade heights as seen from the adjacent sidewalk should be generally consistent with those of adjacent buildings.
  - iii. Structures greater than three stories high may be permissible if taller portions are set back from the street frontage so that overall sight lines are compatible and if the increased height is not intrusive for adjacent residential areas.
- 2. Historic Preservation
  - a. Changes to the exterior of Contributing Historic Structures and other Structures within the corridor which are more than 50 years old and which have not been significantly altered shall be reviewed in accordance with the standards established for Contributing Historic Structures by the United States Secretary of the Interior, but the Director, in his discretion, may relax these standards in the interest of accomplishing the intentions of these Guidelines.
  - b. The design of new or substantially remodeled Structures which are adjacent to Contributing Historic Structures should be compatible with them and should incorporate design elements of such Structures, where appropriate.
  - c. No application to demolish any Contributing Historical Structure or Structure more than 50 years old shall be approved by the Director unless the applicant demonstrates to the satisfaction of the Director:

- i. That the rehabilitation of a Structure or construction of a new Structure will have a greater positive impact upon the District's economic vitality and appearance than the preservation of the Structure proposed to be demolished and the rehabilitation of the Structure or the construction of the new Structure would not be possible or economically feasible without the demolition of the Structure proposed to be demolished; or
  - ii. That the applicant cannot obtain a reasonable economic return from the property or Structure unless the Contributing Historical Structure or Structure more than 50 years old is demolished in accordance with the application.
- 3. Materials/Patterns
  - a.
    - i. For new or substantially remodeled Structures, exterior brick of a solid uniform color or horizontal lapped siding is encouraged.
    - ii. Other exterior materials are appropriate if compatible with existing exterior materials traditionally used within the area.
  - b. Fencing
    - i. Fencing and screening walls should be constructed of materials compatible with the principal Structure.
    - ii. Chain link fencing should not be visible from the Corridor.
- 4. Site Development, Landscaping and Open Spaces
  - a.
    - i. Development proposals should include maintainable, attractive year-round landscaping, street trees or planter boxes along the street frontage of any development site to reinforce the building pattern.
    - ii. Development proposals should provide screening to reduce visual impacts on adjacent residential neighborhoods.
  - b. Development Plans, if feasible, should minimize the adverse visual impact of utility lines on the Corridor. Underground lines or service from the alley, where feasible, is encouraged.
  - c. Pedestrian seating areas are encouraged,
- 5. Parking Areas
  - a. The combining of existing small, under-utilized lots to create shared parking areas that are more efficient and more accessible is strongly encouraged.

- b. Parking areas generally should be located to the rear of Structures.
  - c. Parking areas adjacent to the public sidewalk should use landscaping, trees, colonnades or other construction, to maintain the line formed by Structures along the sidewalk.
  - d. Intensity, location, color and direction of lighting shall be sensitive to nearby residential areas.
  - e. Adequate perimeter landscaping that screens vehicles, buffers adjacent residential areas, but allows people to feel safe shall be provided.
  - f. Interior landscaping should include shade trees.
  - g. The number and width of curb-cuts on the Corridor should be minimized. To promote pedestrian circulation, existing continuous curb-cuts should be reduced to widths necessary for vehicular traffic.
6. Signs
- a. The number, type, setback and size of signs should be planned so as not to detract from the District's visual quality nor from the visual quality of the blockface in which the development is located.
  - b.
    - i. Attached signs are preferred. Attached signage composed of individual letters or symbols is also preferred.
    - ii. Projecting signs and free-standing monument signs with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign and has a maximum height of six feet (6'0") are acceptable when consistent with the pattern of business signs in the blockface in which the development is located.
    - iii. A free-standing sign mounted on its own support system typically a pole or post is inappropriate for a development with less than 120 feet of frontage on the corridor except where the denial of a free-standing sign would effectively prevent the business from adequately identifying itself. Under these circumstances a free-standing monument sign is preferred.
  - c.
    - i. Signs should be designed for good graphic communication.
    - ii. Signs should be integrated with the design of the Structure or development with which they are associated and with the pattern of business signs in the blockface in which the development is located.

- d. i. Signs should not be higher than 20 feet nor located above the cornice line of the Structure.
- ii. Roof top signage is not appropriate.
- iii. New outdoor advertising signs (billboards) are strongly discouraged; removal of existing billboards is encouraged.
- e. The development proposals should provide for the removal of unused signs and supports on the property.
- f. i. Type, direction and degree of illumination of signs should be of a low intensity, consistent with the project's design and surrounding developments.
- ii. Internally illuminated signs should have opaque field (background) colors so that only the sign graphics are illuminated.
- g. i. Traditional awnings on Structures used for commercial purposes are encouraged. No more than 33 percent of the total square footage of the awning shall be devoted to lettering, logos or other symbols. The color and size shall be appropriate to the design of the Structure and surrounding development.
- ii. Backlit translucent awnings are discouraged.

### 7. Public Art and Amenities

- a. Includes, but is not limited to, that form of sculpture, mural or painting, water element, lighting, or other form of creative expression which is viewable within a development site or upon a Structure.
- b. Should be designed, executed and supervised by artists or other design professionals.
- c. Should be integrated with the design of the overall project or development.
- d. Should aesthetically enhance the urban environment of the District.

### C. Exempt Activities

- 1. The following development activities shall be exempt from review under these regulations.
  - a. Ordinary repairs;
  - b. Removal of existing signage without replacement;

- c. Emergency repairs ordered by a City Building Code enforcement official in order to protect health and safety;
  - d. Exterior alteration, addition or repair of a structure used as a single-family residence which does not increase the number of dwelling units in the structure or does not increase the total square footage of floor space in the structure by more than 20 percent;
  - e. Temporary signage, installed for a period of less than two months, during which time an application for permanent signage is pending under this Ordinance;
  - f. Maintenance of existing signage advertising an on-site business, including but not limited to rewording or replacing sign panels;
  - g. Alterations only to the interior of a Structure; and
  - h. Demolition of accessory Structures.
2. All development activity within the District, except for exempt activities described in item 1 above shall be classified pursuant to the procedures set forth in § 158.27 of the City of Louisville Ordinance as either requiring expedited or non-expedited review under the Guidelines, as follows:
- a. The following development activities shall be subject to expedited review:
    - i. New awnings, business signs and replacement of structural elements of existing signs.
    - ii. An addition to a Structure used for commercial purposes which is not visible from the corridor and which does not increase the total square footage of floor space in the Structure by more than ten percent (10 percent).
  - b. All other development activities shall be subject to non-expedited review.
- D. Permit Requirements and Appeal
- 1. No permit or certificate of occupancy shall be issued by any City agency for any development activity within the District unless a Permit for such development activity has been obtained pursuant to this regulation.

2. An application for development activity within the District shall be submitted to the Department of Inspections, Permits & Licenses. The application shall include at least the following information, unless waived pursuant to item D.3 below:
  - a. A site plan, drawn to an appropriate scale, photographs or other presentation media showing the proposed development activity in the context of property lines, adjacent structures, trees, sidewalks, etc.
  - b. Plans, elevations and other drawings, drawn to appropriate scale, as may be necessary to fully explain all proposed Structures or alterations to existing Structures.
  - c. Details of urban design elements, off-street parking, landscaping, fencing or walls, signage, streetscape and other aspects as may be necessary to fully present the proposed development activity.
3. Applicants may seek review of a development proposal prior to making formal application pursuant to D.2 above. The preliminary review shall be conducted by the Staff to determine if the minimal requirements for acceptance of the application have been met. The Staff may agree to waive certain requirements set out in D.2 above if they determine that such requirements are not necessary for review of the application pursuant to this regulation.
4. Within two working days of receipt of an application determined to be complete, the Staff shall classify the development proposal as either exempt or not exempt, requiring either expedited or non-expedited approval. The Staff may classify an application as requiring non-expedited review even if the proposed development activity meets the definition for expedited review if it determines that the application would be more appropriately considered by the Committee.
5. A permit application classified as requiring expedited approval shall be reviewed by the Director, who shall within three working days after classification, approve the Permit, approve the Permit with conditions, or deny the Permit.

6. An application classified as requiring non-expedited approval shall be reviewed by the Committee within eight business days of classification. The applicant shall be sent, by first class mail, written notice of the date, time and location of the meeting of the Committee at which his application shall be considered. Notice of the application and of the date, time and location of the meeting of the Committee shall also be sent by first class mail to the owners of record of every property located within 100 feet of the property which is the subject of the application and to any business associations or neighborhood associations which have requesting in writing to receive such notices.
7. At the meeting scheduled to review the application, the Committee shall first hear a description of the proposed development activity and preliminary comments from the Staff which shall indicate which of the Guidelines apply to the proposed development activity. Following the Staff presentation, the applicant shall present such information as he chooses for the Committee's consideration. The Committee shall receive written comments from other parties and at the discretion of the Chairman may permit other parties to testify.
8. The Committee shall, by majority vote of the members present, make a recommendation to the Director, supported by a written finding of fact, which shall approve the Permit, approve the Permit with conditions, or deny the Permit.
9. The Director, within three business days following the receipt of the recommendation and finding of fact of the Committee shall make a decision to approve the Permit, approve the Permit with conditions, deny the Permit or refer the application to the Committee for further consideration. The decision of the Director shall be supported by a written finding of fact.
10. The Committee, in making its recommendations to the Director, and the Director in his decision-making capacity, shall each make written findings of fact based upon the information presented in each application and at each Committee meeting which support the written conclusion that the proposed development activity is or is not in compliance with the Guidelines.
11. If, after an applicant has obtained a Permit, the development proposal is amended, he shall submit the amended development proposal to the Staff who shall make a determination that the amendment has no significant impact or that the development proposal as amended requires additional review. Review of an amended proposal shall follow the same procedure as provided herein for an original application. Upon a determination by the Staff that the amended proposal requires review the previously issued Permit shall be suspended pending the review of the amended development proposal.



12. Any applicant who is denied a Permit shall have a right of appeal to the Board of Zoning Adjustment. The appeal from the written denial of the Permit shall be taken within 30 days of the date of such written denial.